



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,252	09/15/2000	Sekaran Nanja	20706-000110US	3800

7590 06/10/2004

Fidel D Nwamu
Townsend and Townsend and Crew LLP
Two Embarcadero Center 8th Floor
San Francisco, CA 94111-3834

EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
----------	--------------

2116

DATE MAILED: 06/10/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,252

Applicant(s)

NANJA, SEKARAN

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment B and Terminal Disclaimer (both received on 3/29/04).
2. Claims 1, 3 and 5-23 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

4. The drawings submitted on September 15, 2000 are unreadable (Figs. 2-4). New formal drawings are required.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the configurable communication link, processing devices coupled to the communication link and software programs coupled to processing devices must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

Art Unit: 2116

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Regarding claim 8, it is unclear how the software programs could be coupled to the processing devices.
8. Claims 9-12 are also rejected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 102

9. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by McNally et al. [McNally] (U.S. Patent No. 6,259,448).
10. Regarding claim 1, McNally teaches a method for allocating processing resources, the method using a processor coupled to a display device and to a user input device (mouse) [col. 2, lines 1-4], the method comprising:

allocating the processing resources by:

Art Unit: 2116

displaying a list of processing resources on the display device [col. 8, lines 55-57, 63-64; col. 9, lines 16-20], wherein the processing resources comprise at least one of a hardware processor and a software program [col. 6, lines 7-16];

accepting signals from the user input device to indicate the configuration of a selected processing resource of the processing resources [col. 8, line 65 to col. 9, line 3; col. 9, lines 13-16, 20-23]; and

configuring the selected processing resource [col. 9, lines 23-26].

Claim Rejections - 35 USC § 103

11. Claims 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNally et al. [McNally] (U.S. Patent No. 6,259,448).

12. Regarding claim 3, McNally teaches that composite models can be developed, by selecting resources (allocating resources), depend on the need of the user [col. 8, lines 39-41]. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that McNally would allow the user to select more than one processor for configuring a multi-processor model.

13. Regarding claims 5-7, McNally teaches that composite models can be developed, by selecting resources (allocating resources), depend on the need of the user [col. 8, lines 39-41]. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that McNally would allow the user to select the desired processing platform and desired software component for configuring the desired composite model.

14. Regarding claim 8, McNally teaches a system comprising:

Art Unit: 2116

a configurable communication link [col. 11, lines 11-13];

a plurality of processing devices (machines) coupled to the communication link [col. 11, lines 11-13]; and

a plurality of software programs [col. 8, lines 33-34; col. 6, line 12], wherein the processing environment comprises the communication link, at least one of the processing device and at least one of the software programs (a computer machine must contain at least one processor and one operating system) [col. 11, lines 11-13].

15. Regarding claims 9-12, claims 9-12 are directed to apparatuses implementing the system for providing configurable resources to create a processing environment of claim 8. As stated above, McNally teaches the invention substantially as set forth in claim 8. At the time of the invention, one of ordinary skill in the art would have readily recognized that McNally may also teach the implementations of claim 8 as set forth in claims 9-12. As such, claims 9-12 are rejected under same rationale with respect to claim 8.

16. Regarding claim 13, McNally teaches a method comprising:

accepting a first signal from the input device which enables the user to specify a type of operating system for use in the computing environment [col. 6, lines 7-16; col. 8, line 65 to col. 9, line 3; col. 9, lines 13-18];

accepting a second signal from the input device which enables the user to specify a type of processor for use within the computing environment [col. 6, lines 7-16; col. 8, line 65 to col. 9, line 3; col. 9, lines 13-18];

activating an operating system of the specified type to run in the computing environment [col. 9, lines 3-5]; and

Art Unit: 2116

activating a processor of the specified type to run in the computing environment [col. 9, lines 3-5].

17. Regarding claim 14, McNally teaches that the computing environment is displayed [Figs. 7-9].

18. Regarding claims 18, 21 and 22, McNally teaches the resources, including software program, operating systems and processors [col. 6, lines 7-16] are display in response to user selection [col. 2, lines 44-46; col. 8, lines 46-49].

19. Regarding claims 19 and 20, it would have been obvious to one of ordinary skill in the art to recognize that McNally would allow the user to either create a new model or shut down an existing model.

20. Regarding claim 23, McNally teaches that the displaying of a plurality of operating system types occurs prior to the accepting the first signal which enables the user to specify a type of operating system [col. 9, lines 16-18].

21. Regarding claim 15, McNally teaches the claimed method steps. Therefore, McNally teaches the apparatus to implement the claimed method steps.

22. Regarding claims 16-17, McNally teaches the claimed method steps. Therefore, McNally teaches the instructions for carrying out the claimed method steps.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

Art Unit: 2116

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a long horizontal flourish extending to the right.

Thuan N. Du
June 4, 2004